

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 27, 2001
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Gale, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Cole absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Pastor Ken Stephens, Pilgrim Congregational Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of February 13, 2001, were approved 6 to 0. (Cole absent)

AWARDS AND PRESENTATIONS

*Council Member Cole present.

RECOGNITION Special recognition was given to Les and Kay Arvin.

UNFINISHED BUSINESS

SSMID ORDINANCE ESTABLISHING A DOWNTOWN SELF-SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT (SSMID).

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-0067A.

On January 23, 2001, the Wichita City Council held a public hearing on the establishment of a Self-Supported Municipal Improvement District (SSMID) for downtown Wichita. The proposed Downtown Wichita Self-Supported Municipal Improvement District would be implemented pursuant to State statutes that provide for the establishment of a SSMID by the City Council, on its own motion. The law requires that a public hearing be conducted by the City Council, pursuant to a Notice that is mailed to all property owners in the proposed District and published three times in the City's official newspaper. After 30 days following the public hearing, the City Council may adopt an ordinance establishing the SSMID and set forth the terms/conditions for its operation, governance, financing and termination. Final action by the City Council is scheduled for the March 6, 2001, adoption of the Ordinance.

The proposed ordinance establishes the SSMID, describes the boundaries, provides for the levying of assessments and establishes procedures for the management and governance of the SSMID. The ordinance also sets a ten-year term on the existence of the SSMID and limits the assessment rate that can ever be levied to 10 mills. The ordinance requires the City Council to appoint members to a SSMID Advisory Board whose responsibility it will be to propose an annual budget to the City Council to fund the activities to be financed by the SSMID assessments.

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The boundaries of the proposed SSMID generally describe the area from the Arkansas River to Washington and Kellogg to Central. Under the terms of the SSMID statutes and the proposed SSMID ordinance, all taxable property within this area would be assessed at a rate set each year by the City Council based on the approved SSMID budget for that year, not to exceed 10 mills.

SSMID assessments will be billed to property owners by the County Treasurer as part of each year's property tax statement. Assessments will be collected by the County Treasurer and distributed to the City along with property taxes. If the SSMID is established (prior to May 2001), the first distribution of SSMID assessment revenues will occur in January 2002.

The City Council cannot take final action to adopt the ordinance establishing the SSMID earlier than 30 days following the closing of the public hearing. The SSMID cannot be established if the City Clerk receives a protest petition prior to final adoption of the ordinance, signed by at least 40% of the owners of property within the proposed SSMID, or by property owners whose property comprises at least 40% of the assessed valuation of all property within the proposed district.

State law governing the creation of a SSMID requires that the district be located in the "central business district as determined by resolution." The Resolution designates the area bounded by Kellogg, Washington, Central and Seneca Streets as the City's Central Business District ("CBD"). This area has previously been identified as the CBD in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan.

The City Clerk has received petitions that, pending verification, appear to be sufficient to stop the process.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that Resolution be adopted and the Ordinance be placed on first reading. Motion carried 5 to 2. (Gale, Lambke, no)

ORDINANCE

An Ordinance authorizing and providing for the establishment of the Downtown Wichita Self-Supported Municipal Improvement District pursuant to K.S.A. 12-1794 ET Seq.: providing for the boundaries, terms, and powers thereof; and creating Section 2.12 of the Code of the City of Wichita. introduced and under the rules laid over.

RESOLUTION NO. 01-087

A Resolution of the governing body of the City of Wichita, Kansas designating the boundaries of the Central Business District of the City of Wichita, presented. Pisciotte moved that Resolution be adopted. Motion carried 5 to 2. Yeas: Cole, Martz, Pisciotte, Rogers, Knight. Nays: Gale, Lambke.

CONDEMNATION

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES – REHEARING OF 915 EAST 9TH STREET.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-1189A.

This property was before the Board of Code Standards and Appeals (BCSA) for review on October 24, 2000. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on December 12, 2000. Steve Dockers, Round Tree, L.L.C., appeared before the Council and requested four to six months to complete repairs. Council voted to accept the recommendations of the BCSA, and proceed with demolition of the structure.

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Mr. Dockers has requested, in a letter to the Mayor and OCI staff, and additional 90 days to complete repairs to the structure.

The premises have been cleaned up and the siding has been scraped, in preparation for paint. No other work has been done. An asbestos survey has been done and asbestos remediation has been completed, for a total of \$491.10. The Kansas Department of Health and Environment has been notified pending demolition action.

Taxes: The 2000 taxes are shown as delinquent in the amount of \$89.93. There is a pending assessment for weed mowing and emergency boardup in the amount of 232.17.

The owner has been notified of the date and time of this Hearing.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Rogers moved that the extension be denied. Motion carried 7 to 0.

(Addendum 2A)

M.C. JUDGE ORD.

ORDINANCE AMENDMENTS ON THE SELECTION OF MUNICIPAL COURT JUDGES.

(Continued from February 6, 2001)

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 01-0171A.

The current ordinances governing the selection of municipal court judges provide that the Judicial Nominating Commission will screen all applicants whenever a vacancy or expiration of the term occurs in the office of municipal court judge. There is competition for each vacancy that occurs, including the normal expiration of the term of office of the incumbent judge. An incumbent judge is considered an applicant for the position. The Judicial Nominating Commission furnishes three nominees to the City Council. The City Council appoints one of the nominees.

The matter was deferred from the City Council meeting of February 6, 2001, to allow the Wichita Bar Association to review and comment on the ordinance.

Under the proposed amendments, the City Council will have the discretion to determine whether an incumbent municipal court judge will be reappointed for another term of office without referral to the nominating commission. If the City Council does not take action regarding the reappointment of an incumbent judge, the regular procedure for filling a vacancy would apply and an incumbent judge would be deemed a candidate for nomination by the nominating commission. These changes will require amendments to Charter Ordinance No. 171 and clean up amendments to code section 1.04.150 (deleting the duplicate provisions of Charter Ordinance No. 171).

There are no financial impacts to the City due to the proposed amendments.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Yvette Gardner Yvette Gardner, Wichita Bar Association, said a review panel had voted to approve the proposed Ordinance. Ms. Gardner said the panel has other concerns (which she was to later present in a letter to the Council) and suggested that representatives of the Bar Association meet with the City Council to discuss these concerns.

Consensus of the Council was in support of discussing the concerns with the Bar Association.

Motion -- Rogers moved that changes in procedure be approved and the Ordinances be placed on first reading.
-- carried Motion carried 7 to 0.

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ORDINANCE

An Ordinance amending section 1.04.150 of the code of the city of wichita, kansas pertaining to the Neighborhood Municipal Court Judge, and repealing the original of said section, introduced and under the rules laid over.

CHARTER ORDINANCE

A charter ordinance of the city of Wichita amending Section 1 of the Charter Ordinance No. 171 pertaining to the appointment of municipal court judges, and repealing the original of said section, introduced and under the rules laid over.

NEW BUSINESS

CARL CHUZY - IRB

LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – CARL CHUZY LIVING TRUST. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0196.

Real Estate Developer Carl Chuzy is requesting City Council approval of a six-month Letter of Intent for the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$6 million to finance the development of an 80,000 sq. ft. industrial facility located at the southwest corner of K-42 and Tyler Road, in the Mid-Continent Industrial Park. The facility is to be leased to Cessna Aircraft Corporation for use as an experimental engineering machine shop facility. Mr. Chuzy has also requested a 100% five-plus-five-year tax abatement on all property purchased with bond proceeds.

Cessna Aircraft Co. wishes to use third-party, build-to-suit developers as a way to provide for a portion of their growing facility needs as they rapidly expand their workforce in Wichita. Through a competitive process held last year, Cessna selected the Carl Chuzy Co. to develop an 80,000 sq. ft. facility to house their experimental engineering machine shop operations. A lease agreement has been negotiated and signed by the parties, and construction of the facility has begun.

The tenant for the proposed project and owner of the facility will be Carl Chuzy Living Trust. The Tenant company will sublease the facility to Cessna, under the terms of a five-year lease with one five-year renewal option. The financing of the project through City's bonds will permit the subtenant (Cessna Aircraft Co.) to increase the amount of their manufacturing capabilities and give them the flexibility to pursue their own internal growth objectives. Cessna plans to add approximately 1100 new jobs in Wichita in 2001.

An analysis of the uses of project funds is:

Land	\$ 577,457
Building	4,584,688
Performance Bond	32,920
Real Estate Commission	164,935
Legal & Administration	60,000
Placement Agent	180,000
Capitalized Interest	300,000
Misc./ Cost of Issuance	<u>100,000</u>
Total Cost of Project:	\$6,000,000

The law firm of Triplette, Woolfe & Garretson will serve as bond counsel in the transaction. Froggatte & Company will serve as placement agent of the bonds. It is intended that the bonds will be placed with

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institutional investors located in the State of Kansas. Carl Chuzy Co. agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Wichita State University Center for Economic Development and Business Research has conducted a cost-benefit analysis. The results are as follow:

City of Wichita	1.62 to one
Sedgwick County	1.27 to one
USD 259	1.06 to one
State of Kansas	4.55 to one

Carl Chuzy Co., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The estimated first year taxes on the proposed \$6,000,000 expansion would be \$123,353 on real property improvements, based on the 2001 mill levy. The tax exemption will be shared among the taxing entities as follows: City - \$35,943; County/State - \$34,500; and USD 259 - \$52,910.

Bond documents needed for the issuance of bonds will be prepared by a nationally recognized bond counsel.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Letter of Intent to Carl Chuzy Co., for Industrial Revenue Bonds in an amount not-to-exceed \$6 million, without property tax abatement, subject to the Standard Letter of Intent Conditions, for a term of six-months be approved; and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

YORK INCENTIVES

YORK INTERNATIONAL ECONOMIC DEVELOPMENT INCENTIVES. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0197.

Wichita is home to the Evcon Division of York International, one of the largest manufacturers of heating and air conditioning equipment in the world. The York/Evcon Plant, located in north Wichita on Mead Avenue between 33rd and 37th Streets North, employs over 900 people. Like many large manufacturing companies, York recently conducted a company-wide reorganization of production operations and in the process determined the need to close one of two plants, either in Wichita or Elyria, Ohio, and consolidate operations into the plant kept open. The City of Wichita, Sedgwick County and the State of Kansas joined forces to offer an incentive package that would persuade York to choose Wichita for its plant consolidation. In a very close competition, York chose to close its Elyria plant and consolidate in Wichita. The incentive package is hereby submitted for Council approval.

As a result of its decision to expand in Wichita, York/Evcon will increase its employment in Wichita by 450 net new employees and will spend \$13 million on a new 300,000 sq. ft. manufacturing plant. The economic development incentives that have been offered are as follows:

<u>State of Kansas</u>	
Forgivable Loan (KEOIF)	\$500,000
IMPACT Program funds	
Major Project Investment (MPI)	\$200,000
SKILL Training Grant	\$800,000
Enterprise Zone tax benefits	
Sales Tax Exemption	est. \$767,000
Job Creation Tax Credit	est. \$675,000
Investment Tax Credit	est. \$180,000
Total State Incentives	est. \$3,122,000

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<u>Sedgwick County</u>	
Forgivable Loan	\$350,000

<u>City of Wichita</u>	
Forgivable Loan	\$350,000

The City and County each offered a cash incentive of \$350,000 in the form of forgivable loans, to defray the costs of relocating personnel and equipment from Elyria to Wichita and developing a parking lot for new employees. The terms of the proposed forgivable loan provide for the forgiveness of a portion of the loan balance each year based on achieving projected employment levels over a 5-year period. If at the end of the 5-year term, the projected employment levels have not been reached, the outstanding loan balance will be immediately due and payable.

The City also offered to favorably consider York's application for an economic development property tax exemption (EDX), as provided for in the State Constitution. That process requires the company to finalize the details of the real property improvements and equipment to be exempted before submitting an application and a cost-benefit analysis. To formally start the process, York has submitted a letter of intent stating their plans to undertake the project and later submit an EDX application.

In addition to the incentives listed above, the City is working with York to help them acquire a parcel of land to use for parking, to vacate certain drainage easements and to expedite the permitting process to allow construction to start now. York plans to have the new Wichita facility in operation by next Fall.

Funding for the City's forgivable loan will come from the appropriated general fund reserve.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard and no one appeared.
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Allen Bell	Financial Projects Director, responding to a question, said discussions have been held with the owner and the company regarding the need to give very serious consideration of use of minority contractors, and they have agreed.
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Motion --	Cole moved that incentive package be approved and the necessary signatures be authorized.
-- carried	Motion carried 7 to 0.

CITY COUNCIL AGENDA

CLEAN WATER BILL CONSIDERATION OF CLEAN WATER BILL (SB 204). (REQUESTED BY COUNCIL MEMBER COLE)

(This Item was pulled from the Agenda)

APPOINTMENTS BOARD APPOINTMENTS.

No appointments were made.

PROCLAMATIONS PROCLAMATIONS:

--Juvenile Arthritis Awareness Week
--Mental Retardation Awareness Month

Motion -- carried	Knight moved that the Proclamations be authorized. Motion carried 7 to 0.
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TRAVEL APPROVAL APPROVAL OF MAYOR'S TRAVEL TO MAYORS' ASIA-PACIFIC ENVIRONMENTAL SUMMIT MAY 4-6, 2001.

Motion -- carried Rogers moved that the expenditures be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum No. 17h, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 26, 2001.

Bids were opened February 16 and February 23, 2001, pursuant to advertisements published on:

University from the east line of Knight Street to the west line of Sheridan, Sheridan Avenue to serve College Green, Eureka Gardens, Dugans, University Court Third, Blanchat Machine Company, Anderson Investments Third Additions and Unplatted Tracts - south of Maple, east of West Street. (472-83188/765623 /490734) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Construction - \$109,796.75

2001 Sanitary Sewer Reconstruction Program Phase 1 - Generally south of 21st North, east of Seneca. 468-83204/620304/ 661428) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, V, and VI)

Utility Contractors - \$369,490.00

Sawdust, from the east line of Rock Road to the west line of Spyglass; Sawdust Courts, Lots 1 through 51, Block 6; Lots 49 through 80, Block 7 to serve Sawmill Creek Addition - east of Rock, north of 45th Street North. (472-83281/765660/490771) Does not affect existing traffic. (District II)

Ritchie Paving - \$446,243.75

Water distribution system to serve White Tail Addition - south of 13th, west of 127th Street East. (448-89537/735002/470672) Does not affect existing traffic. (District II)

WBW Contractors - \$10,850.00

2001 Planeview Sanitary Sewer Rehabilitation, Phase A - south of Pawnee, east of Hillside. (468-83212/622233/641341) Traffic to be maintained during construction using flagpersons and barricades. (District III)

U-Liner Mid America - \$96,715.04

Lateral 463, Southwest Interceptor Sewer Angel Fire Addition - north of 47th Street South, east of West Street. (468-83182/743863/480551) Does not affect existing traffic. (District IV)

Dondlinger & Sons - \$87,412.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Swimming Pool Improvements. (785013)

Greer's Sandblasting and Protective Coatings - \$29,388.00 (Group 1/total net base bid)
\$4,375.00 (Group 1/option 1/lump sum)
\$29,288.00 (Group 3/total net bid)

POLICE DEPARTMENT: Light Bars, Consoles, and Gun Locks. (792344)

Kansas Fire Equipment Company Inc. - \$20,047.30 (Group 1/total)
\$ 2,824.50 (Group 2/total)
\$ 2,799.30 (Group 3/total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Suburbans and Pickup Trucks. (130807)

Don Hattan Chevrolet - \$22,858.00 (Group 2/per each)
\$ 770.00 (Group 2/Option 1/total per each)
Standard (Group 2/Option 2/total per each)
\$ 50.00 (Group 2/option 3/total per each)
Standard (Group 2/option 4/total per each)
\$ 685.00 (Group 2/Option 6/total per each)
\$4,990.00 (Group 2/option 7/total per each)
\$ 2,610.00 (Group 2/option 8/total per each)
\$ 191.00 (Group 2/option 10/total per each)
\$18,433.00 (Group 3/per each)
\$ 685.00 (Group 3/option 1/lump sum total)
Standard (Group 3/option 2/lump sum total)
\$ 158.00 (Group 3/option 3/lump sum total)
Standard (Group 3/option 4/lump sum total)
Standard (Group 3/option 5/lump sum total)
Standard (Group 3/option 6/lump sum total)
\$10,829.00 (Group 4/per each)
\$ 1,075.00 (Group 4/Option 1/total per each)
Standard (Group 4/option 3/lump sum total)
\$ 669.00 (Group 4/option 4/lump sum total)

Mel Hambelton Ford - \$22,500.00 (Group 2a/per each)
\$ 150.00 (Group 2a/option 2/total per each)
\$ 100.00 (Group 2a/option 3/total per each)
Standard (Group 2a/option 4/total per each)
\$ 2,690.00 (Group 2a/option 5/total per each)
\$ 700.00 (Group 2a/option 6/total per each)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Underground Fuel Storage Tank Monitoring System and Corrosion Protection Testing of Cathodic Protection System. (130849)

Ray's Petroleum Equipment, Inc. - \$8,539.00 (Group 1/lump sum total)
\$4,605.00 (Group 2/lump sum total)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: 4 X 4 Hydraulic Excavator. (130807)

Berry Tractor and Equipment Company - \$201,543.00 (Group 1/total base bid)
\$ 4,800.00 (Option 1/lump sum total)
\$ 4,912.00 (Option 2/lump sum total)
\$ 10,688.00 (Option 3/lump sum total)
<\$ 16,000.00> (Option 4/lump sum deduct)

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Polymer for Use in Wastewater Solids De-watering Facility. (184754)

Polydyne Inc.- \$0.115 (Item 2/per lb./net dry ton)

PARK & RECREATION DEPARTMENT/ENGINEERING DIVISION: Irrigation System. (785017)

LSC - The Sprinkler Specialist - \$41,600.00 (Total net bid)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Cisco Equipment. (602349)

FA Systems, DBA Micro World - \$11,357.00 (Total net bid)

POLICE DEPARTMENT: Level III Entry Vests. (792344)

Baysinger Police Supply - \$6,680.00 (Total net bid)

POLICE DEPARTMENT/EMERGENCY COMMUNICATIONS DIVISION: Computers. (792344)

Trio Industries - \$40,841.08*

*Redirect award of 02-13-2001

AIRPORT DEPARTMENT/AIRPORT OPERATIONS: Snow Removal Unit. (500496)

M-B Companies - \$398,067.00 (Total net bid)**

**Subject to FAA approval

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal - Adult Entertainment

Robert Floyd	Kellogg Gift Shop Inc. dba Priscilla's	6143 West Kellogg
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New Escort Service

Baron Migueal Watley	Worldwide Entertainment II	1121 Waterman
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Motion --
-- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Chan Phommachanh	Bang Kok Thai Restaurant*	2020 South Rock Road, Suite #50
<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Craig Johnson Chris Salove	Whatta Stop Albertsons #2212	1203 East Pawnee 8714 West 13th Street

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Chris Salove	Albertsons #2213	1607 South Georgetown
Chris Salove	Albertsons #2214	3137 South Seneca
Chris Salove	Albertsons #2250	1910 West 21st Street North

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

a) Third Street Drainage Enhancements/Pedestrian Bridges N/A - Third Street between Drainage Canal and Hillside. (87 TE-0156-01/472-83181/785012). Traffic to be maintained during construction using flagpersons and barricades.

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. April 3, 2001. Motion carried 7 to 0.
-- carried

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) 2001 sanitary sewer rehabilitation, Phase B - south of 21st Street North and west of Woodlawn. (468-83205/620302/661426) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and IV) - \$137,000

b) Lateral 457, Southwest Interceptor Sewer to serve an Unplatted Tract - north of 47th Street South, west of Meridian. (438-83120/743845/480533) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$12,500

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

CLAIMS REPORT ON CLAIMS ALLOWED - JANUARY 2001:

<u>Name of Claimant</u>	<u>Amount</u>
James L. Armour	\$309.82
Kendel Koehn	\$134.00
SW Bell	\$205.53
SW Bell	\$1,324.37
Douglas Robison	\$253.11
SW Bell	\$1,049.24
Delmar R. Dietrich	\$400.00
Gary McCain	\$367.19
Carol S. Bainum	\$228.00*

*Settled for amount less than amount claimed.

Motion -- carried Knight moved that report be received and filed. Motion carried 7 to 0.

DRIVEWAY IMPR. PETITION TO CONSTRUCT A DRIVEWAY APPROACH TO SERVE LOT 1, BLOCK 3, WEST MILLBROOK ADDITION - SOUTH OF MAPLE, EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 01-0199.

On February 8, 2000, the City Council approved a Petition to pave Taft Court in West Millbrook Addition. One of the lots in the improvement district is accessed by Taft, a side street. A Petition has

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been submitted to pave the drive approach to serve that lot. The Petition has been signed by two owners, representing 100% of the improvement district.

The project will serve a single-family home.

The Petition totals \$1,425. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-070

Resolution of findings of advisability and Resolution authorizing construction of a driveway approach pavement on Taft Street to serve a property in West Millbrook Addition 472-83325 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF FRUITVALE PARK ADDITION – SOUTH OF CENTRAL, EAST OF I-235. (District IV)

Agenda Report No. 01-0200.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a residential property.

The Petition totals \$4,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or signatures representing the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-071

Resolution of findings of advisability and Resolution authorizing construction of a water distribution system number 448-89544 (north of 2nd, east of Flora), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

STREET CLOSURE

STREET CLOSURE: WASSALL AT SOUTHEAST BOULEVARD. (District III)

Agenda Report No. 01-0235.

W.B. Carter Construction Company, Inc. has contracted to replace a sanitary sewer main along and near Southeast Boulevard south of Pawnee. The work has now reached the intersection of Wassall and Madison. Wassall is only two lanes wide at this location and because of the adjacent three track, gated railroad crossing there is not enough room to safely allow traffic to access this area while the sewer replacement work is being accomplished.

The Contractor is requesting approval of the Closure at the intersection of Wassall and Madison from approximately 1:00 p.m. February 27, 2001 through approximately March 9, 2001. During the Closure

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the Contractor will remove pavement, accomplish the necessary excavation, install the new sewer line, construct a new manhole, backfill the excavated area and construct new pavement.

During the intersection Closure, Wassall traffic will be detoured using Hydraulic, Pawnee and Southeast Boulevard. The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and resident.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

STREET CLOSURE: 45TH STREET NORTH, EAST OF ROCK ROAD. (District II)

Agenda Report No. 01-0236.

Wildcat Construction Company, Inc. has been installing a 16" sanitary sewer main in Rock Road, south of 45th Street North. The work area has now reached 45th Street and the project specifies an open cut as the line crosses 45th Street. The sewer line is being installed approximately twenty-three feet deep at the location and the soil conditions cause some concern of trench collapse.

The Contractor is requesting approval of the Closure of 45th Street at the east side of Rock Road from approximately Wednesday, February 28, 2001 through Tuesday, March 5, 2001. The Closure schedule is dependent upon acceptable weather conditions and may be delayed if necessary.

During the Closure, 45th Street traffic will be detoured as follows:

Eastbound 45th Street:	Rock Road to K-254 to Webb Road to 45th Street
Westbound 45th Street:	Webb Road to 37th Street to Rock Road to 45th Street

The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and residents.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

KGE LINES

RELOCATION OF KGE ELECTRIC LINES FOR THE WEST KELLOGG FREEWAY PROJECT – TYLER AND MAIZE. (District V)

Agenda Report No. 01-0201.

KGE has overhead lines along west Kellogg which provide street lighting and electrical service to the adjacent properties. To allow the construction of the West Kellogg Freeway, these lines must be relocated. An alignment has been designed which routes a majority of the electrical services well south of the proposed freeway. KGE will place the remaining lines underground, with the cost difference between overhead and underground installation to be reimbursed by the City.

An Agreement has been prepared which formalizes this arrangement.

The City's portion of the relocation costs is \$793, 250. The funding source is Local Sales Tax.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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RESPREAD SPECIALS AGREEMENTS TO RESPREAD ASSESSMENTS – CUSTER ADDITION – SOUTH OF 27TH STREET SOUTH, EAST OF SHERIDAN. (District IV)

Agenda Report No. 01-0202.

The landowners, Custer Land, L.L.C. and Comfort Homes, Inc., have submitted two Agreements to respread special assessments within their ownership of Custer Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreements is to respread special assessments on an equal share basis for each lot. Without the Agreements, the assessments will be spread on a square foot basis. The Agreements will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

EQUUS BEDS

EQUUS BEDS MONITORING - REGIONAL ECONOMIC AREA PARTNERSHIP (REAP).

Agenda Report No. 01-0203.

In September 2000, the Regional Economic Area Partnership (REAP) took action to support a proposal which provided funding to the Equus Beds Groundwater Management District Number Two for technical assistance relating to monitoring and data collection of water level and quality changes in the Equus Beds Aquifer. The City of Wichita, is a member of REAP along with the cities of Andover, Bel Aire, Halstead, Hesston, Hutchinson, Newton, Park City, Sedgwick, and Valley Center, and all of these cities rely upon the Equus Beds Aquifer for their municipal water supply. As a member of REAP, the City pays annual dues in the amount of \$18,520.

The Equus Beds Groundwater Management District was established in 1975 under state law to preserve and protect the Equus Beds Aquifer. The District is charged by state law with adopting and enforcing policies for the conservation and management of groundwater and making recommendations on groundwater conservation and the designation of intensive groundwater use control areas to the chief engineer of the Division of Water Resources, Kansas Department of Agriculture. The District is financed through a charge of 60 cents/acre foot on water use and a 5cent per acre assessment on land in the district. In calendar year 2000, those revenue sources generated \$196,000 for financing the District.

The Kansas Corporation Commission has designated two-thirds of the Equus Beds Groundwater Management District as a "sensitive groundwater area." This requires the District to take extra ordinary care to protect and preserve the Aquifer. Salt water intrusion, contamination from oil and gas wells, improper use of irrigation chemicals and the impact of urban and industrial developments represent constant threats to an aquifer that daily serves 20 percent of the Kansas population.

The REAP communities have recognized the need to protect and preserve the Aquifer and have agreed to share funding to assist the District with implementing an automated data collection platform to record conditions which could affect the quality of the groundwater. The total cost for monitoring and data collection is \$42,500 to be shared with the communities of: Andover, Bel Aire, Halstead, Hesston, Hutchinson, Newton, Park City, Sedgwick, Valley Center, along with Wichita. Wichita's share of the cost, based upon permitted water use, actual use and population is \$28,134.

The City has available funding to pay Equus Beds Groundwater Management District #2 \$28,134 from the Water Production Budget. The City of Wichita, along with other impacted cities within the District and participants in the REAP organization, are seeking legislation to amend the current statute to allow the District to charge enough in fees to adequately monitor water supply and quality. If approved, this

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one-time allocation to the District from member communities could be financed through the District-wide assessment.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; the assessment be authorized; and the necessary signatures be authorized. Motion carried 7 to 0.

CONDUIT UTILITY

UNDERGROUND CONDUIT UTILITY.

Agenda Report No. 01-0204.

As a result of the 1996 Telecommunications Act, cities cannot be barriers to new telecommunication providers. To facilitate the entry of new telecommunication service providers in a safe and efficient manner, a Conduit Utility Concept is being explored. An underground conduit utility in the central business district of Wichita will be designed to promote the development of and coordinated use of rights-of-way for advanced telecommunication infrastructure. A Conduit Utility could promote economic development in the City by having the infrastructure available for the deployment of fiber optic technology while at the same time protecting the public assets from damage and public safety risks associated with multiple construction and installation of new facilities in the City. The selection of Burns & McDonnell was a result of a competitive RFP process evaluated by the staff screening and selection committee.

The scope of the project includes the completion of the following objectives:

- ? A detailed market segmentation analysis to document the demand for services in the downtown area
- ? An inventory of the current available capacity for deployment of advanced communication technology
- ? A proposed route alignment for the central business district

From this information prepared by the Consultant, the City can then determine the need on feasibility for an Underground Conduit Utility. Such a utility would be implemented and constructed upon demand from the industry. The inventory of utilities and capacity in the downtown area will also provide our right-of-way engineers with statistics about infrastructure to assist in the operation of their daily activities.

The study is budgeted and is in the amount not to exceed \$30,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STREET TREE PLAN

DOWNTOWN MASTER STREET TREE PLAN. (Districts I and IV)

Agenda Report No. 01-0205.

An attractive and vibrant tree canopy to provide for seasonal change and shading during the hot summer months help make our downtown more inviting to citizens and visitors. Research has shown that people linger and shop longer along tree-lined streets. The downtown area bounded by the Arkansas River to Washington and Central to Kellogg and additionally Douglas Street from Washington to Hydraulic presents many opportunities for increasing the downtown tree canopy. A comprehensive plan to identify available planting sites and avoid conflicts and future planned improvements along fifty (50) miles of street right-of-way is the first step to creating this inviting downtown environment. City Forestry staff will plant and maintain the trees later this year within the Reforestation program. Staff prepared a Request For Proposal (RFP) and invited twenty eight (28) companies that specialize in this type of design work to provide proposals. Of those invited to present proposals, seven (7) firms responded.

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A proposed agreement has been drafted between the City and Landworks Studio which provides for design drawings, materials summary, construction details, specifications and estimated cost for construction and planting. A Staff/Citizen Screening and Selection Committee panel reviewed the proposals and recommended that Landworks Studio be awarded the project.

Payment will be as outlined in the agreement for a total of \$13,100, with funding coming from Reforestation monies.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

TREE PROGRAM

TREE PLANTING AND REPLACEMENT PROGRAM. (Districts II, III, and IV)

Agenda Report No. 01-0206.

Storm damage and natural occurrences have caused a loss of trees to the City. Staff prepared a Request For Proposal (RFP) and invited thirty (30) companies that specialize in tree planting and maintenance of work to provide proposals. Of those invited to present proposals, seven (7) firms responded.

A proposed agreement has been drafted between the City and Natural Treesource, Inc., which provides for design, tree planting, and a one-year maintenance and warranty on 1,000 new trees. A Staff/Citizen Screening and Selection Committee panel reviewed the proposals and recommended that Natural Treesource, Inc. be awarded the project. City staff will provide on-going establishment care for these new tree plantings and will supplement these new tree plantings with additional trees in subsequent years within the reforestation program.

Payment will be as outlined in the agreement for a total of \$286,500, with funding coming from Reforestation monies.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

COMPUTER/DATA

SOFTWARE INTERFACE – RISKMASTER.

Agenda Report No. 01-0207.

The City has utilized and upgraded its current risk management software (Riskmaster) since 1993. An interface was written for this software in 1996 that printed vouchers for use with the our prior accounting software package (FAMIS). When FAMIS was replaced with the current accounting package (Performance) this interface became incompatible.

All billing information must be input twice by staff, once into Riskmaster and a second time into Performance. Current staffing levels do not permit the timely upkeep of both of these systems without substantial overtime, contract labor, or additional staffing. One staff person is attempting to perform all data input for workers compensation and auto liability claims as well as payment data in both systems.

The current risk management software vendor, CSC, has provided a quote for writing an interface between Riskmaster and Performance that will eliminate duplicate payment entry. The one-time purchase of this interface will allow the timely entry of data to both claims and payment systems without adding on going additional personnel.

Funding for the interface is included within the budgeted expenditures of the self-insurance fund. The cost for creating this interface is estimated to be \$15,750. This one-time fee will result in a cost effective use of technology that will allow current additional work to be done with existing staff levels.

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Motion -- Knight moved that the Agreement/Contract with CSC to develop an interface between Riskmaster and Performance at a cost not to exceed \$16,000 be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

(Addendum 17h)

KOCH INDUSTRIES

AGREEMENT WITH KOCH INDUSTRIES REGARDING ANNEXATION AND EXTENSION OF MUNICIPAL SERVICES. (District I)

Agenda Report No. 01-0233.

Koch Industries has requested annexation of several hundred acres of land located north of its corporate campus on 37th Street North.

The annexation of this land and other land in the area will necessitate the planning for the extension of municipal services to this area. Koch and the City are both interested in setting out the City's policy with respect to the timing and allocation of costs for such improvements.

The extension of services will be in accordance with existing City policies with respect to the share to be paid by the City-at-large. The share to be paid by benefiting property will be assessed or paid through payments in lieu of assessment.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR SHOAL CREEK ADDITION – WEST OF 143RD, SOUTH OF CENTRAL. (District II)

Agenda Report No. 01-0208.

The City Council approved the project on January 9, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Shoal Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$75,200, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

POLICE

COMMUNICATIONS EQUIPMENT – POLICE DEPARTMENT.

Agenda Report No. 01-0209.

The Police Department uses over 75 mobile computer terminals in field operations. With patrol cars being used increasingly in traffic enforcement functions, additional mobile computer terminals are needed to outfit these vehicles.

The MCT radio/modem equipment to be purchased must be compatible with existing MCT units already in service. The equipment must be integrated into the shared mobile relay to provide efficient and dependable range and clarity of communications. The needed communication equipment is available only from DataRadio Corporation, through their distributor, Ka-Comm, Inc. The needed computer mounts are available only from L&E Mobile Computers Mounts, Inc.

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On January 9, 2001, the City Council approved funding for the purchase of fourteen patrol vehicles and related equipment.

Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Motion --

Knight moved that the purchase of radio equipment from Ka-Comm, Inc. in the amount of \$28,960, and the purchase of computer mounts from L&E Mobile Computer Mounts, Inc. in the amount of \$11,730, under the provisions in the Purchasing Ordinance for sole source supply be approved. Motion carried 7 to 0.

-- carried

AMPHITHEATER

RIVERBANK IMPROVEMENT PROJECT AMPHITHEATER. (Districts I, IV, and VI)

Agenda Report No. 01-0210.

On June 8, 1999, the City Council approved a design contract in the amount of \$484,000 with the Law Kingdon/EDAW team to design the Riverbank Improvement and Amphitheater projects. The conceptual design for the projects has been completed and have been presented to the Design Council and City Council.

The project is ready to go to final design and bid documents for Phase I of the Riverbank - - project located north of the 2nd Street Bridge to the Seneca Bridge on the Arkansas River (exclusive of the already completed Riverbank along the Exploration Place site), and on the Little Arkansas River from the confluence to the Central Street Bridge. The Contract with Law Kingdon will be extended in the amount of \$616,700 to complete design and bid documents for the stated work, Phase I. The pedestrian bridges will be designed through the concept stage; once a design is approved, a Supplemental Fee Agreement will be negotiated to complete bid specifications for the new bridges.

The City has received two federal grants for the Riverbank project. On May, 2000, the City was given approval for a \$578,657.50 grant of TEA-21 Transportation Enhancement funds; and on November 8, 2000 Representative Tiahrt secured a federal grant of \$939,500 in Transportation and Community and System Preservation Program (TSCP) funds. The remaining \$6,375,000 GO funds and \$1,550,000 Federal funds in the 2001-2010 CIP for 2001 will be initiated upon City Council approval.

Motion --

Knight moved that project and Supplemental Agreement be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-072

A Resolution authorizing issuance of bonds by the City of Wichita at-large for improvements to the Arkansas Riverbank (472-82799), presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

HYDRAULIC IMP.

HYDRAULIC IMPROVEMENT, FROM 57TH STREET SOUTH TO MACARTHUR. (District III)

Agenda Report No. 01-0211.

The Capital Improvement Program includes funding to improve Hydraulic, between 57th Street South and MacArthur. The project consists of: widening Hydraulic to four lanes, installing a storm water drainage system, and landscaping the available right-of-way.

The first phase of construction will be a drainage ditch and underground drainage box culverts from Hydraulic through the Kansas Turnpike right-of-way to the Arkansas River. This work is scheduled for the spring so it can be coordinated with a major overlay project being undertaken by the Turnpike Authority.

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The total budget, years 2001 through 2005, is \$9,565,000. It is recommended that the 2001-2002 funding, \$2,295,000, be authorized at this time. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved and that the Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Hydraulic, from 57th Street South to MacArthur to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

2001 PARK CAPITAL IMPROVEMENT PROGRAM.

(This Item was pulled from the Agenda.)

MUNICIPAL COURT MUNICIPAL COURT REMODEL.

Agenda Report No. 01-0213.

On November 17, 1998, the City Council approved the Municipal Courts remodel project. The remodel includes construction of a pedestrian connection into the City building, which connects the building to the City Hall parking garage. The pedestrian connection includes a new elevator, stairway and an information desk. The interior space remodel includes a reconfiguration of space on floors two and three to accommodate court growth. Other miscellaneous renovations include patio repair, interior painting, and restroom upgrades.

The new court rooms and judges chambers were designed to incorporate existing exterior windows. The Change Order will provide for windows in the existing judge's chambers and courtrooms that were not part of the remodel project. The change order also provides for carpet cleaning in areas where the carpet was not replaced, painting of existing walls, millwork, and other miscellaneous items not covered by the original scope of work. The improvements will enhance the general appearance and make the areas more customer friendly.

The Change Order for \$23,332.00 will be funded from the Enhanced Building Maintenance fund (OCA #792310, project #435272).

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SANITARY SEWERS CHANGE ORDER FOR SEWAGE TREATMENT PLANTS #1 AND #2.

Agenda Report 01-0232.

The Biosolids Treatment & Management Plan improvements are being administered under three separate contracts: Emergency Sludge Storage Basins (completed); Biosolids Storage Facility (completed); and Plant #1 and Plant #2 Improvements (BRB Contractors).

The Change Order for Plant #1 and Plant #2 Improvements is for warranty work and the repair of the DAFT pressurization pumps, which cost was divided between the contractor, engineer, and the City. The work is required in order to maintain the operational integrity of the pumps.

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The original Contract with BRB Contractors was \$17,999,000. The Contract prior to this Change Order was \$18,732,947. Approval of Change Order No. 13 will increase the Contract by \$5,595 resulting in a revised Contract of \$18,738,542. Capital Improvement Program (CIP #S-500), Biosolids Treatment and Management Plan, has available funds of \$1,108,558.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HUD

HUD CONSOLIDATED PLAN – SUBSTANTIAL AMENDMENT.

Agenda Report No. 01-0214.

On July 11, 2000 the City Council approved the condemnation of 1515 N. Madison. On August 1, 2000 the City Council approved the condemnation of 939 N. Ohio and 1027 North Green. A request from the Office of Central Inspection to use Community Development Block funds for clearance and demolition of these properties has been received. To accommodate the funding request, a substantial amendment is required.

Staff has prepared a substantial amendment to the 2000/2001 One-Year Action Plan to include Clearance and Demolition.

The proposed eligible activity will allow clearance and demolition of structures, removal of buildings and improvements, including movement of structures to other sites.

All projects will be located within the Neighborhood Revitalization Strategy Area and address the elimination of slum or blighting influences on a spot basis.

Clearance and demolition for the above listed properties will be funded with funds transferred from the existing Commercial and Residential Acquisition/Demolition program. The amount of \$12,208 will be transferred from Commercial and Residential Acquisition/Demolition to a separate Clearance and Demolition activity.

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. All citizen comments received will be presented to the City Council for consideration before the amendment is adopted. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Motion --
-- carried

Knight moved that the 30-day public comment period be authorized; the budget transfer and the substantial amendment, subject to citizen comments received, be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 8402 EAST KELLOGG. (District II)

Agenda Report No. 01-0226

In October of 1998, staff was instructed to pursue purchases of right-of-way needed to complete the Kellogg corridor. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 8402 East Kellogg is within this corridor and needed for the project. The site contains approximately 19,740 square feet and is improved with a 1,296 square foot automobile-retail facility. Improvements are currently leased to Budget Rent-a-Car. The proposed improvements to East Kellogg will take the entire building.

The property was appraised at \$300,000 in May of 2000. The owner has agreed to sell the property for \$350,000. The tenant is currently renting the property on a net basis for \$3,500 per month; they are expected to remain in occupancy until construction begins. This will allow the City to realize lease income during the pre-construction period. Early acquisition will secure the property for the City and eliminate the uncertainty of future acquisition or condemnation. The acquisition consultant for East Kellogg has reviewed this proposal and has recommended its acquisition.

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The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$385,000 is requested. This includes \$350,000 for the facility acquisition, \$10,000 for demolition, \$20,000 for relocation and \$5,000 for closing costs, surveys and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 420 SOUTH BONNIE BRAE. (District II)

Agenda Report No. 01-0227.

In October of 1998, staff was instructed to pursue right-of-way purchases on an opportunity basis to preserve the corridor along East Kellogg. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 420 South Bonnie Brae is within this corridor. The site contains approximately 12,400 square feet and is improved with a 5,832 square foot office building. The improvements are currently utilized by the owner for records and parts storage for his businesses. The proposed improvements to Kellogg will not directly impact the improvements but will eliminate parking and impact access.

The property was appraised at \$400,000 in May of 2000. The owner has agreed to sell for this amount. Any relocation costs will be borne by the seller. Early acquisition will secure the property for the City and eliminate the uncertainty of future acquisition or condemnation. The acquisition consultant for East Kellogg has reviewed this proposal and has recommended its acquisition.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$425,000 is requested. This includes \$400,000 for the facility acquisition, \$10,000 for demolition, and 5,000 for closing costs, surveys and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 8474 EAST KELLOGG. (District II)

Agenda Report No. 01-0228.

In October of 1998, staff was instructed to pursue purchases of right-of-way needed to complete the Kellogg corridor. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 8474 East Kellogg is within this corridor. The site contains approximately 34,110 square feet and is improved with a 11,776 square foot retail facility. Improvements were built specifically for National Tire and Battery, the current tenant. The proposed improvements to East Kellogg will take most of the building.

The property was appraised at \$650,000 in May of 2000. The owner has agreed to sell the property for \$725,000. The tenant is currently renting the property on a net basis for \$4,950 per month; they are expected to remain in occupancy until construction begins. This will allow the City to realize lease income during the pre-construction period. Early acquisition will secure the property for the City and eliminate the uncertainty of future acquisition or condemnation. The acquisition consultant for East Kellogg has reviewed this proposal and has recommended its acquisition.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$770,000 is requested. This includes \$725,000 for the facility acquisition, \$10,000 for demolition, \$30,000 for relocation and \$5,000 for closing costs, surveys and title insurance.

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Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 2046 EAST 9TH STREET. (District I)

Agenda Report No. 01-0229.

The property at 2046 E. 9th has been identified as a potential opportunity purchase. The property is owned by Johnson Tabernacle C M E Church. It is developed with a 2,232 square foot wood-frame building on an 18,325 square foot lot. The building is currently utilized by the owner as a church.

The congregation of 2046 E. 9th has agreed to sell the property for \$55,00.00. When acquired, the structure will be demolished and the parcel held for redevelopment.

The City Council has approved a CDBG activity which permits acquisition of real property. If the acquisition is approved, a budget transfer of \$55,000 in unexpended CDBG funds to the CDBG acquisition account is required.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF BILLBOARD PROPERTY WEST KELLOGG. (District V)

Agenda Report No. 01-0230.

Background: In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed right-of-way. Eller Media has seven signs directly impacted by the project. One sign has been condemned for \$30,000 and is currently under appeal. One sign will be removed by Eller pursuant to the terms of the sign lease. Five signs are being processed condemnation.

The value of the signs has been appraised for \$72,900. Eller has offered to settle for the cost of sign removal, estimated to be approximately \$40,000. They will terminate the appeal of the previously condemned sign and move it back onto the City-owned parcel outside the project limits. They will return the \$30,000 award amount, net of relocation costs which are estimated at \$15,000. They will enter into a market rate lease with the City for the relocated sign. This settlement will allow the City to avoid the cost and uncertainty of eminent domain

Funds for project acquisition have been budgeted in the 2000 Capital Improvement Program. The funding source is Local Sales Tax revenues. A budget of \$50,000 is requested for the cost of sign removal/relocation. The City will realize lease revenues from the sign being relocated.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 10711 WEST KELLOGG. (District V)

Agenda Report No. 01-0231.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed parcels. One acquisition is a portion of the property located at the 10711 West Kellogg which is owned by Gene Miles. The site contains 24,747 square feet and is improved with a 3,200 square foot commercial building. The take is a 2,509 square foot rectangle at the north end of the site. The take does not impact the improvements but will require the relocation of parking and site access.

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The acquisition has been appraised for \$14,800 which included land at \$3.65 per square foot of land plus \$5,640 to replace paving and signage. The owner has agreed to accept \$15,500. This is based higher actual estimates to replace paving and signage.

Funds for land acquisitions have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$16,000 is requested. This includes \$15,500 for the acquisition and \$50 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-0219.

On February 5, 2001 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Address</u>	<u>District</u>
1) 2602 North Madison	I
2) 2608 North Madison	I
3) 733 South Ida	I
4) 512 East Indianapolis	I
5) 1803 South St. Francis	III
6) 1006 North Custer	VI
7) 1137 North Fairview	VI

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on April 10, 2001, at 10:30 a.m. be approved. Motion carried 7 to 0.

RESOLUTION NO. 01-073

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 10, Block 4, Ridgcrest, an Addition to the City of Wichita, Sedgwick County, Kansas, known as 2602 North Madison, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. 01-074

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 9, except the north one-foot, Block 4, in Ridgecrest, an Addition to City of Wichita, Sedgwick County, Kansas, known as 2608 North Madison. may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-075

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 6 and 8, Ida Avenue, Kelsh Third Addition to City of Wichita, Sedgwick County, Kansas, known as 733 South Ida may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-076

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: east 55 feet of Lots 70 and 72, Block 12, Orme & Phillips Addition to the City of Wichita, Sedgwick County, Kansas, known as 512 East Indianapolis may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-077

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 2 and 7, Block 7, Allen & Smith's Addition to the City of Wichita, Sedgwick County, Kansas, and Reserve B except the N 10 ft. and the N 10 ft. of Reserve C, South Lawrence Avenue Addition to the City of Wichita, Sedgwick County Kansas, known as 1803 South St. Francis, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-078

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 7, Sroade Acres Addition to Sedgwick County, Kansas, known as 1006 North Custer may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. 01-079

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1028 and the north 15 ft. of Lot 1026 on Wichita Street in Lewellen's Addition to the City of Wichita, known as 1137 North Fairview, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 12, 2001)

- a) Z-3287 – Southwest corner of 135th Street West and Central. (District V)

ORDINANCE NO. 44-863

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3287

- b) SCZ-0775 – Southeast corner of 119th Street West and 29th Street North. (District V)

ORDINANCE NO. 44-864

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted City of Wichita Code Section 28.04.210, the Code of the, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. SCZ-0775

- c) ZON2000-50 – Northeast corner of Kellogg and Maize Road. (District V)

ORDINANCE NO. 44-865

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted City of Wichita Code Section 28.04.210, the Code of the, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. ZON 2000-50

PLANNING AGENDA

Motion --
-- carried

Knight moved that Planning Agenda Items including Addendum No. 33A, be approved as consensus Items. Motion carried 7 to 0.

DED2001-01

DED2001-01 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTH SIDE OF CENTRAL, WEST OF RIDGE ROAD. (District V)

Agenda Report No. 01-0220.

This Dedication is a requirement of an associated Lot Split No. SUB 2000-125 and is being dedicated for purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

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Motion --

Knight moved that the Dedication be approved. Motion carried 7 to 0.

S/D99-90

S/D99-90 – PLAT OF CHANG AND ARENSBERG ADDITION LOCATED SOUTH OF KELLOGG, ON THE EAST SIDE OF HILLSIDE. (District II)

Agenda Report No. 01-0221.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

A zone change (Z-3338) from street right-of-way to GO, General Office has been approved for this site subject to platting.

In order to provide access to the adjoining property to the north, a cross-lot access easement was provided. City water and sanitary sewer is available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The cross-lot access easement will be recorded with the Register of Deeds.

Motion --

Knight moved that the Document and Plat be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3338

SUB2000-24

SUB2000-24 – PLAT OF CHURCH OF THE MAGDALEN ADDITION LOCATED ON THE NORTHWEST CORNER OF 127TH STREET EAST AND 21ST STREET NORTH. (District II)

Agenda Report No. 01-0222.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat was recently annexed into the City of Wichita.

As required by the drainage plan for this site, a cross-lot drainage agreement and off-site drainage easement were provided. Three off-site utility easements were also submitted. Petitions, all 100%, have been submitted for paving, sanitary sewer and City water improvements. A Certificate of Petitions have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, cross-lot drainage agreement, off-site drainage easement and off-site utility easements will be recorded with the Register of Deeds.

Motion --

Knight moved that Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. 01-080

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89536, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-081

Resolution of findings of advisability and Resolution authorizing construction of Main 27, War Industries Sewer, 468-83021, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-082

Resolution of findings of advisability and Resolution authorizing improving of left turn lane on 21st Street North to serve Church of the Magdalen Addition (north of 21st, west of 127th Street East), 472-83307, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-083

Resolution of findings of advisability and Resolution authorizing improving of 127th Street East to serve Church of the Magdalen Addition (north of 21st, west of 127th Street East), 472-83308, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SUB2000-38

SUB2000-38 – PLAT OF C.J.J. SECOND ADDITION LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF GREENWICH ROAD. (District II)

Agenda Report No.01-0223.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3362) from LC, Limited Commercial to GC, General Commercial has been approved for this site subject to platting. City water and sanitary sewer are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --

Knight moved that the Plat be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3362

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SUB2000-108

**SUB2000-108 – PLAT OF WHISPERING BROOK COMMERCIAL SECOND ADDITION
LOCATED ON THE SOUTHWEST CORNER OF 37TH STREET NORTH AND
WOODLAWN.** (District I)

Agenda Report No 01-0224.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned LC, Limited Commercial and has been approved for an Amendment to the Whispering Brook Community Unit Plan (CUP 2000-30, DP-203 Amendment #1).

City water is available to serve the site. Petitions, all 100%, have been submitted for sanitary sewer and traffic improvements. A Certificate of Petitions has also been submitted. A joint access easement was submitted to provide for shared access between the lots. In order to assure internal access among the Lots, a cross-lot circulation agreement has also been provided. A Community Unit Plan Certificate was provided identifying the approved C.U.P.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, joint access easement, cross-lot circulation agreement, and C.U.P. Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-084

Resolution of findings of advisability and Resolution authorizing improving of decel lane and left turn lane in Woodlawn from 37th Street North to Brookview (south of 37th Street North, west of Woodlawn), 472-83329, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-085

Resolution of findings of advisability and Resolution authorizing construction of Lateral 66, Main 9, Sanitary Sewer No. 23 (south of 37th Street North, west of Woodlawn) 468-83220, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. 01-086

Resolution of findings of advisability and Resolution authorizing improving of decel lane and left turn lane in 37th Street North from the northwest corner of Lot 4, Block 1, Whispering Brook Commercial Second Addition to Woodlawn (south of 37th Street North, west of Woodlawn), 472-83330, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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(Addendum No. 33 A)

A01-03

A01-03 - REQUEST FOR ANNEXATION FROM KOCH INDUSTRIES FOR LAND LOCATED NORTH OF THE KOCH CORPORATE CAMPUS ON 37TH STREET NORTH. (District I)

Agenda Report No. 01-0234.

The City has received a request to annex approximately 1,026 acres situated between 37th Street North and 53rd Street North and west of Oliver. The land proposed for annexation abuts the current City of Wichita Limits. At this time, there are no plans to develop this unplatted land.

Land Use and Zoning: The annexation site consists of twenty-five (25) tracts of land zoned "SF-20" Single Family Residential, "LC" Limited Commercial, "LI" Limited Industrial, or "I" Industrial. Land north is zoned "SF-20" Single Family and "LC" Limited Commercial. Land south is zoned "I" Industrial. Land west is zoned "SF-20" Single Family, "SF-6" Single Family, and "I" Industrial. The City of Bel Aire is located east of the land proposed for annexation. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-6" Single Family Residential and the "LC" Limited Commercial, "LI" Limited Industrial and "I" Industrial zoning will remain the same.

Public Services: As development occurs, The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 16-inch water line in Oliver extended north from 37th St. North, and sewer services can be extended east along 45th St. North.

Street System: The property proposed for annexation has access to 37th Street North and 45th Street North, which serve the area as the nearest major east-west roads. The property also has access to Oliver, Hillside and Hydraulic, which serve the area as the nearest major north-south roads. In the City of Wichita 2001-2010 C.I.P, there are plans to improve 37th Street North from Hydraulic to Hillside by widening and reconstructing the street. Currently, there are no plans to further improve that portion of 45th Street North, Oliver, Hillside, or Hydraulic.

Public Safety: Under the City-County first response agreement, fire services to this site can be provided most readily, within a five (5) to six (6) minute approximate response time, from County Station #32 located at 501 East 53rd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: Two parks and a greenway are located approximately two (2) miles southeast and southwest of the property proposed for annexation. Located southeast of the site, Chisholm Creek Park, a 281.90-acre regional park, features a 1.6 mile nature trail along Chisholm Creek, a wetlands area, and the Great Plains Nature Center. Located southwest of the site, Grove Park, a 125.85-acre regional park, contains a football field, basketball court, play area, and picnic area. The Chisholm Greenway, running along Chisholm Creek, connects Chisholm Creek Park and Grove Park.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

The majority of property is also located within the 2010 Urban Service Area with the remainder falling within the 2030 Urban Service Area, as depicted in the 1999 Update to the Comprehensive Plan, adopted by the City Council and the County Commission last year.

The total appraised value of the property is \$294,290, which would yield an assessed value of \$35,315. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$1,109 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-03

AIRPORT AGENDA

AIRPORT

CESSNA CITATION SERVICE CENTER – TRANSFER OF LETTER OF CREDIT; AMENDMENT TO PROJECT LEASE ASSIGNMENT AND SECURITY AGREEMENT.

Agenda Report No. 01-0225.

The City of Wichita issued Airport Facilities Refunding Revenue Bonds, Series III, 1997 (Cessna Citation Service Center Project), which 1997 bonds refunded bonds issued in 1990 for construction of the Citation Service Center Project at Mid-Continent Airport. The lease structure included a ground lease and project lease from the WAA to Cessna, then a sublease from Cessna to the City, and a subsublease (the IRB lease) from the City back to Cessna. Cessna desires to transfer the Letter of Credit to a different financial Institutional to secure the bonds.

The 1990 Bonds were secured by a letter of credit from National Westminster Bank. At closing in 1990, the WAA granted National Westminster Bank a security interest in the Project Lease to secure Cessna and Textron's obligations under the Reimbursement Agreement. When the 1997 Bonds were issued, the new letter of credit bank was Westdeutsche Landesbank Girozentrale (WestLB). At closing 1997, the WAA executed an amended assignment and security agreement granting WestLB a security interest in the Project Lease to secure their Reimbursement Agreement.

The 1997 Bonds are still outstanding. Cessna and Textron desire, for business reasons, to replace the WestLB letter of credit with a letter of credit from Fleet National Bank - which is permitted by the bond documents, subject to certain conditions. In connection with the replacement of the letter of credit, Fleet's counsel has requested that the assignment and security agreement again be amended in favor of Fleet.

There is no financial impact on the City resulting from the request.

The closing on the proposed Letter of Credit transaction is scheduled for March 1st.

Motion --
-- carried

Knight moved that the Assignment and Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 10:50 a.m.

Pat Burnett CMC
City Clerk